

144811 Evans



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Source AV Inc.
File: B-244755.2; B-244755.3
Date: September 10, 1991

Michael R. Smith, and Bridget Durr-Smith, for the protester.
Catherine M. Evans, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

General Accounting Office (GAO) will not consider protests of alleged solicitation improprieties filed more than 1 month following submission of initial, related protest, even though bids have not yet been opened, as consideration of such piecemeal submissions is inconsistent with GAO's mandate under the Competition in Contracting Act of 1984 to resolve protests quickly with only minimal disruption to the procurement process.

DECISION

Source AV Inc. protests certain provisions in invitation for bids (IFB) DAKF03-91-B-0024, issued by the Department of the Army for visual information services at the Defense Language Institute, Monterey, California.

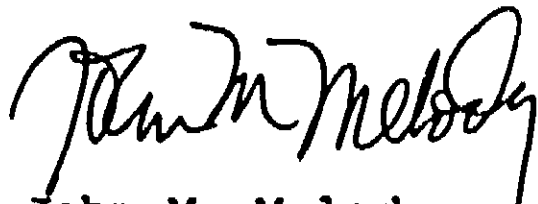
We dismiss the protests.

On July 11, 1991, Source AV, the incumbent contractor for the required services, filed a protest in our Office objecting to the date set forth in the IFB for a pre-bid site visit. In response to the protest, the agency rescheduled the site visit, and Source AV withdrew its protest on July 17. After attending the site visit on July 20, Source AV submitted questions about the solicitation to the contracting officer. The agency responded to Source AV's questions and those of other bidders by amendment to the IFB on August 15. Upon receiving the amendment on August 19, Source AV filed a second protest, which primarily expresses dissatisfaction with the agency's answers to its questions. The agency responded to the second protest with another amendment on August 30, and Source AV again protested the adequacy of the agency's answers.

We will not consider Source AV's second protest on its merits. The protest system established by the Competition in Contracting Act of 1984 (CICA) and implemented by our Regulations is designed to provide for expeditious resolution of protests with only minimal disruption to the procurement process. See 31 U.S.C. § 3554 (1988). That system cannot tolerate piecemeal protest filings that further disrupt the process. See Military Base Mgmt., Inc., B-224128, Nov. 26, 1986, 86-2 CPD ¶ 616. Thus, we will not allow a prospective bidder to protest a solicitation term, causing the agency to incur delays by taking corrective action, and then protest additional solicitation terms shortly before the scheduled bid opening, forcing the agency again to risk delays by considering corrective action and postponement of bid opening.^{1/} See Marine Indus., Ltd., B-225722.3, July 10, 1987, 87-2 CPD ¶ 30.

Source AV alleges in its second protest that its questions about the solicitation were prompted by the site visit, implying that it could not have raised its protest grounds earlier. We find that this is not the case. All four of Source AV's protest grounds concern alleged solicitation ambiguities that, based on our reading of the protest, were apparent on the face of the IFB. For example, Source AV alleges that it cannot compute repair costs without age data on government-furnished equipment, that the variation in work load clause is defective because it is the same as the clause in Source AV's current contract, and that the IFB does not resolve a current problem concerning repair of a certain manufacturer's equipment. It also questions the accuracy of the IFB's estimated installation and removal figures. As there is no apparent reason why Source AV could not have raised these issues when it filed its first protest, we consider these new protest grounds to be raised in a piecemeal manner under the above standard and we will not consider them. See EDN Corp., 66 Comp. Gen. 563 (1987), 87-2 CPD ¶ 31. We will not consider Source AV's third protest for the same reason as it is merely a restatement of one of the issues raised in the second protest.

The protests are dismissed.



John M. Melody
Assistant General Counsel

^{1/} In fact, the amendment issued in response to the second protest extended the bid opening date from September 3 to September 13.